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SCANNED

DATE: 12/21/04

BY: M.P.

December 20, 2004

Sent via Federal Express

Honorable Robert Collings
U.S. District Court
for the District of Massachusetts
John Joseph Moakley Courthouse
Courthouse Way
Boston, MA 02210

OF
J. B. COLLINGS
MAGISTRATE JUDGE

DEC 22 2004

UNITED STATES DISTRICT COURT
BOSTON, MASSACHUSETTS

Re: Robert Pillow v. Sonepar Distribution, Inc., et al.
Civil Action No. 03-12419-RBC

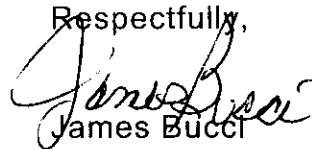
Dear Magistrate Collings:

I am counsel for the Defendants in the above-captioned matter. With the agreement of Plaintiff's counsel, Daniel O'Connor, Esquire, I respectfully write to inform Your Honor regarding what has transpired between the parties since the Status Conference held on November 16, 2004. At the Conference, the parties agreed to attend mediation. In order to allow the parties the opportunity to have sufficient information for the mediation (to be scheduled in January, 2005), Your Honor instructed the parties to conduct the depositions of Plaintiff and the two individual Defendants, Carl Brand and Mark Peterson, in December 2004. Subsequent to the Conference, the parties engaged in settlement discussions, and ultimately concluded that attending mediation would not be beneficial because the parties have extremely different views about the case with respect to settlement. The parties thus determined that mediation would not be an efficient use of the parties' or mediator's time and resources, and so notified the Alternative Dispute Resolution Program, which issued a Report on December 1, 2004 to Your Honor. Accordingly, the parties did not conduct the depositions of Plaintiff or Messrs. Brand or Peterson in December because no mediation conference was expected. We are instead proceeding with discovery, including scheduling depositions for January of 2005.

Spector Gadon & Rosen, P.C.
Attorneys at Law

December 20, 2004
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The parties will certainly make themselves available should Your Honor wish to discuss this issue with parties prior to the Status Conference of January 20, 2005.

Respectfully,

James Buccia

cc: Daniel O'Connor, Esquire
Jennifer Tucker, Esquire